



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

MAR 07 2012

REPLY TO THE ATTENTION OF:

(E-19J)

Derrel Turner, Division Administrator  
Federal Highway Administration - Minnesota Division  
Galtier Plaza, Suite 500  
380 Jackson Street  
St. Paul, Minnesota 55101

Thomas K. Sorel, Commissioner  
Minnesota Department of Transportation  
Transportation Building  
395 John Ireland Blvd  
Mailstop 100  
St. Paul, Minnesota 55155-1899

**RE: Final Environmental Impact Statement, US 14 Reconstruction from Front Street in New Ulm to Nicollet County Road 6, Brown and Nicollet Counties, Minnesota. (CEQ No.: 20120020)**

Dear Mr. Turner and Mr. Sorel:

The United States Environmental Protection Agency Region 5 (U.S. EPA) has reviewed the above-referenced Final Environmental Impact Statement (FEIS) dated December 2011, pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act.

The Minnesota Department of Transportation (MnDOT), in coordination with the Federal Highway Administration (FHWA), proposes to reconstruct US 14 to provide four through traffic lanes between New Ulm (includes replacing the US 14 Minnesota River bridge) to near North Mankato. The purpose of the project, in part, is to alleviate existing and forecasted safety, structural deficiencies, and capacity problems. The FEIS identifies that proposed construction is not currently funded, so it is uncertain when the work will occur. However, the earliest construction of the new Minnesota River Bridge at the west end of the project is planned for 2018.

U.S. EPA commented on the Draft EIS (DEIS) for this proposal in our letter dated March 11, 2008. We expressed concerns regarding potential environmental impacts to a variety of resources, including but not limited to, wetlands (particularly forested wetlands), rivers/streams, floodplains, historic properties, and farm land. The DEIS did not identify a preferred alternative. We recommended the FEIS provide a clear and

detailed explanation of how the various impacts and identified mitigation for the impacts associated with each build alternative option were considered, and discuss how trade-offs were made in order to determine the FEIS Preferred Alternative. U.S. EPA noted its preference for DEIS Alternative W2/E4 as a preferred alternative due to its relatively low wetland impacts (4.9 acres of non-agricultural wetlands, 4.1 acres of agricultural wetlands).

The FEIS identifies Alternative W1/E1 as the preferred alternative with approximately 20 acres of direct non-agricultural wetland impact. Alternative W1/E1 utilizes the existing alignment for most of the corridor except for two areas. The first area is the Courland bypass north of the city on top of the bluff. The second area is the Nicollet bypass, where the preferred alternative is a bypass south of the city. The rationale for selecting the FEIS Preferred Alternative W1/E1 is provided in Section 2.3.2 and 3.9 of the FEIS. The FEIS concedes Alternative W1/E1 has more wetland impacts than Alternative W2/E4 but because of other considerations (farmland, Minnesota River bluff, erosion problems, etc.), MnDOT identifies Alternative W1/E1 as having an overall environmental advantage.

The FEIS identifies that unavoidable wetland losses will be mitigated by restoration of in-kind wetlands to the extent possible. The nearby Swan Lake Wildlife Management Area is identified as a suitable area for non-forested wetlands compensation. Areas for riparian forested wetlands compensation mitigation were not identified in the FEIS. However, the FEIS states that MnDOT proposes to work with the wetland Technical Evaluation Panel to identify restoration locations within the Minnesota River Valley near the project area.

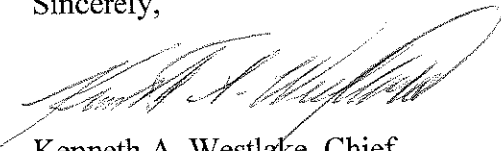
U.S. EPA recommends, at least, a ratio of 2:1 of wetlands created to wetlands lost. Based on the quality of the forested wetlands destroyed, the uncertainty of success, and the long lag time of establishing forested wetlands, a greater ratio may be appropriate. Location/s should be within the same watershed. Mitigation areas should be monitored for success for a period of at least 5 years, preferably longer for forested wetlands. U.S. EPA retains its right to provide additional review and comment regarding this MnDOT US 14 proposal during the U.S. Army Corps of Engineers Clean Water Act Section 404 permit process.

To help insure that the proposed project will not contribute to further impairment of the Minnesota River and Heymans Creek, we had recommended the FEIS identify areas that could be used for stormwater runoff treatment and hazardous spills containment and disclose when and how MnDOT and local communities plan to preserve the potential stormwater treatment and containment areas identified. The FEIS does not provide this information. The FEIS does identify that the project will require a National Pollutant Discharge Elimination System (NPDES) Construction Stormwater permit, which will specify surface water control requirements, including a stormwater pollution prevention plan. MnDOT commits to fully complying with all conditions of the NPDES Construction Stormwater permit.

U.S. EPA finds that the second sentence in the following quote from the FEIS (3.7.1.2 Water Quality, page 3-43) is misleading: *"The MPCA is in the process of developing pollutant reduction strategies known as Total Maximum Daily Loads (TMDLs). Currently, regulatory compliance with TMDLs is satisfied by following the NPDES construction stormwater permit."* U.S. EPA recommends that the following quote more accurately reflects the role NPDES construction stormwater permits play in implementing TMDL strategies and request that this correction to the FEIS be included in the Record of Decision (ROD) for this proposal: *"The MPCA is in the process of developing pollutant reduction strategies known as Total Maximum Daily Loads (TMDLs). Allocations under the TMDL are implemented through the NPDES construction stormwater permit."*

We appreciate the opportunity to comment on this FEIS. If you have any questions regarding our comments Virginia Laszewski, lead reviewer to this project, at (312) 886-7501 or laszewski.virginia@epa.gov.

Sincerely,



Kenneth A. Westlake, Chief  
NEPA Implementation Section  
Office of Enforcement and Compliance Assurance

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